THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20440 OF 2005

DATED:16.9.2005

Between:

Smt. S.K.Sabjadi, and another

…Petitioners

And

The Revenue Divisional Officer,

Gudur, Nellore District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20440 OF 2005

ORDER:

The petitioners' predecessor, late Hussain Saheb is resident of Mannarpolur Village, Sullurpet Mandal, Nellore District. He was assigned agricultural land admeasuring Acs.1.11 in S.No.71/2 of said village in 1975. The Mandal Revenue Officer, Sullurpet, initiated action for cancellation of assignment and resumption of the land on the ground that the petitioners failed to bring the land into cultivation and that the land being situated in the midst of the village and Harijanawada is eminently suitable for human habitation. Therefore, a show cause notice was issued and after obtaining explanation from petitioners, passed orders on 29.4.2005 canceling the assignment and resuming the land to the Government. Aggrieved by the same, petitioners approached first respondent by way of appeal presumably under

paragraph (15) of Board Standing Order 15. Along with this appeal, petitioners filed an application for stay which was refused. Aggrieved by the same, petitioners filed present Writ Petition.

A reading of the impugned order would show that no reasons are disclosed for rejecting the application for stay. Be that as it is, when the appellate authority called for para-wise remarks from the Mandal Revenue Officer, the basis on which the application for stay was rejected was conspicuous by its absence before the appellate authority. It would therefore be better if the appellate authority passes a brief reasoned order for rejecting the stay. Till then the land in S.No.71/2 of Mannarpolur Village shall not be assigned to other persons.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

16.9.2005

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Note:C.C. by 19.9.2005.

(B.O)

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